



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1429-00

10 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 4 January 1994 at the age of 18. Your record reflects that on 10 May 1994 you were convicted by special court-martial (SPCM) of an 80 day period of unauthorized absence (UA) and two specifications of marijuana use. You were sentenced to confinement for 45 days, reduction to paygrade E-1, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review and ordered executed. On 10 January 1997 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your contention that you would like your narrative reason for separation and reenlistment code changed, and a corrected copy of your Certificate of Discharge or Release from Active Duty (DD Form 214). However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your drug related misconduct and lengthy period of UA from the Navy. Given all the circumstances of your case, the Board

concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The Board noted that you should submit the attached Request Pertaining to Military Records (SF 180) to the National Personnel Records Center (Military Personal Records), 9700 Page Boulevard, St. Louis, MO 63132 for a copy of your DD Form 214 or other military records.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure